

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BRUCE SCOTLAND, on Behalf of Himself
and All Others Similarly Situated,

Plaintiff,

vs.

NOVELL, INC., RONALD W. HOVSEPIAN,
DANA C. RUSSELL, RICHARD L.
CRANDALL, RICHARD L. NOLAN, JOHN
W. PODUSKA, SR., FRED CORRADO,
ALBERT AIELLO, PATRICK S. JONES,
GARY G. GREENFIELD, JUDITH H.
HAMILTON, ATTACHMATE
CORPORATION, LONGVIEW SOFTWARE
ACQUISITION CORP., and CPTN
HOLDINGS LLC,

Defendants.

No. 1:10-cv-12106-GAO

**NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO FEDERAL RULE OF CIVIL
PROCEDURE 41(A)(1) AND [PROPOSED] ORDER**

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 41(a)(1), plaintiff Bruce Scotland voluntarily dismisses the above-captioned action without prejudice, subject to Federal Rule of Civil Procedure 23(e). Dismissal without prejudice is proper by notice pursuant to Federal Rule of Civil Procedure 41(a)(1) because defendants have not filed an answer or a motion for summary judgment. No class has been certified and neither plaintiff nor plaintiff's counsel has received or will receive any compensation for this dismissal, therefore, plaintiff respectfully submits that no notice is required under Federal Rule of Civil Procedure 23(e).

Dated: December 30, 2010

Respectfully Submitted,

PARTRIDGE, ANKNER & HORSTMANN,
LLP
TERENCE K. ANKNER

/s/ Terence K. Ankner

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Attorneys for Plaintiff

* * *

ORDER

Pursuant to Federal Rule of Civil Procedure 41(a)(1), IT IS ORDERED that this action is hereby dismissed in its entirety, without prejudice. The Clerk of the Court is hereby ordered to enter this dismissal without prejudice on the docket.

SO ORDERED:

DATED: _____

THE HONORABLE GEORGE A. O'TOOLE, JR.
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed with this Court on December 30, 2010, through the CM/ECF system and will be sent electronically to all registered participants as identified on the Notice of Electronic Filing, and paper copies will be sent to those indicated as non-registered participants.

/s/ Terence K. Ankner

TERENCE K. ANKNER